

CIVIL DOCKET

BARROW

72-C-60

UNITED STATES DISTRICT COURT

Jury demand date: 4-12-72 (by pltf.s)

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>MALTER INTERNATIONAL CORPORATION, a Louisiana corporation, and MALTER INTERNATIONAL CORPORATION, a Texas corporation</p> <p>VS.</p> <p>UNITED STATES CHEMICAL CORPORATION, ROBERT D. KELLEY, HERMAN L. KIFER, and LOUIS O. LASITER,</p>		<p>For plaintiff:</p> <p>Charles C. Baker Gable, Gotwals, Hays, Rubin & Fox 2010 Fourth National Bank Bldg. Tulsa, Oklahoma 74119 582-9201</p> <p>For defendant:</p> <p>Roger R. Scott (U.S. Chemical) 4th Natl Bldg., Tulsa, Okla.</p> <p>Lloyd K. Holtz Wright Bldg., 1700 Fourth Natl Bldg. Tulsa, Okla. 74108 (583-8750) 2626</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 3-1-72	Clerk	2/24 3-2-72	Ellis Gable C.D.No.39	15.00	15 00
J.S. 6 mailed 3-1-74	Marshal				
Basis of Action: treble damage permanent injunction in violation of Okla. Deceptive Trade Practices Act (78 OSA §53 & 54) Action arose at:	Docket fee Witness fees Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-24-72	Complaint, filed. Summons issued. rm	
3-6-72	Return on service of writ, filed: served U. S. Chemical Corp., Louis O. Lasiter & Herman L. Kifer on 2-25-72, and Robert D. Kelley on 2-28-72, all at Tulsa, Ok. (USM \$12.78)g	
3-17-72	Stipulation between parties for ext. of time to 4/15/72 to answer, filed. rm	
3-20-72	Order signed that stipulation is approved. (AEB-J)h ('copies mailed)	
3-27-72	Notice of taking depositions on 4/11/72 by pltf., filed. rm	
4-12-72	Demand for Jury Trial, filed by the Plaintiffs. v	
4-12-72	Notice of taking of Deposition upon oral Examination of Lawrence W. Spears on 4-20-72 at 10:00 A.M., in Tulsa, Okla., filed. v	
4-13-72	Subpoena, ret. & filed: served Lawrence W. Sears, Tulsa, Ok. 4-12-72, (USM \$2.72)g	
4-17-72	Answer of all defs., filed. rm	
5-11-72	Plaintiffs' request for admissions of fact under Rule 36, filed. g	
5-19-72	Deposition of Lawrence W. Sears, on behalf of the Pltf.s, taken before James C. Hickerson, with fees of xxx original xx \$171.00, filed. v	
5-22-72	First interrogatories of def. U.S. Chemical to pltf.s., filed. rm	
5-26-72	Parties directed to hold pre-trial prior to 7-10-72 and file pre-trial order not later than 7-18-72. (AEB-J)hm	
6-5-72	MINUTE ORDER: Ordered by the Court, allowing a 30 day extension (8-17) for parties to hold pre-trial. (AEB-J)r	
6-9-72	Application of defts. for order allowing enlargement of time to respond to request for admissions of fact for 30 days from 6-10-72, filed. hm <i>copy to Judge</i>	
6-13-72	Order filed, granting defendants to 7-10-72 to answer, object or otherwise respond to request for admissions. (AEB-J) ds <i>copies mailed</i>	
6-20-72	Appl for Order allowing enlargement of time to ans. interrogatories of the Pltf., filed. r <i>order to Judge</i>	
6-22-72	Pltf's Request for Production, Insp & copying of documents pursuant to Rule 34, filed. r	
6-26-72	Order, filed, Allowing Plaintiffs Additional Time to Answer or Object to Interrogatories, to and including Monday, 7-24-72. (AEB-J)v -copies mailed.	
7-6-72	Defts' Appl for order allowing enl of time, filed. r	
7-7-72	Order allowing enlargement of time that defendants are granted to 8-10-72 to answer, or plead to request for admissions, filed. ds <i>copies mailed</i>	
7-24-72	Plaintiff's Answers and Objections to Deft.'s Interrogatories, filed. v	
7-26-72	Plaintiffs' brief in support of objections to interrogatories, filed. g	
7-28-72	Application of the Deft.s to strike from the Pre-Trial Docket, filed. v	
7-28-72	Deft.'s Motion to compel discovery pursuant to Rule 37, filed. v	
7-28-72	Brief in support of mot. of discovery, filed. v	
7-28-72	Ordered by the Court that Plaintiff is granted 10 days to respond to Deft.'s Motion to compel discovery pursuant to Rule 37. (AEB-J)v	
8-1-72	Notice of taking depositions upon oral examination, filed. hm Subpoena issued.	
8-1-72	Plaintiffs' Response to Deft.s' Application to strike pre-trial conference, filed. v	
8-1-72	Application of the Deft., U.S. Chemical Corp., for staying the deposition of Marcie Wassam, filed. v -order to Judge.	
8-1-72	Motion of the Deft., U.S. Chemical Corp., for Protective Order, filed. v	
8-1-72	Memorandum in support of Motion for protective order, filed. v	
8-2-72	Pltfs' response to defts' motion to compel discovery under Rule 37, filed. hm	
8/3/72	Marshal's return of subpoena, filed. rm (USM\$2.48)	

Continued

D. C. 110A Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Noted
8-9-72	Order filed, that this case be stricken from pre-trial docket, (AEB-J)	ds
8-9-72	Order filed, that deposition of Marcie Wassam, Secy-Treas. of U.S. Chemical Corp. originally scheduled for 9-11-72 is stayed pending a hearing and ruling by the Court on defendant's motion for protective order. (AEB-J) ds copies mailed attys	
8-10-72	Response of defs. to request for admissions of Fact under Rule 36, with brief in support thereof, filed. rm	
8-14-72	Pltfs' motion and brief to compel answers or denials to pltfs' requested admissions, filed. hm	
9-12-72	Deposition of Robert Darrell Kelley, on behalf of the Pltf.s, taken before James C. Hickerson, with fees of \$164.00, pd. by Pltf.s, filed. v	
9-12-72	Deposition of Louis Owen Lasiter, on behalf of the Pltf.s, taken before James C. Hickerson, with fees of \$69.00, pd. by Pltf.s, filed. v	
9-12-72	Deposition of Herman Lee Kifer, on behalf of the Pltf.s, taken before Jms. C. Hickerson, with fees of \$78.00, pd. by Pltf.s, filed. v	
11-15-72	Ordered that Magistrate conduct hearing on pltf's objections to deft's interrogatories, pltf's motion to compel answers or denials to pltf's requested admissions, deft's motion to compel discovery pursuant to Rule 37, motion of deft. U.S. Chemical Corp. for protective order, application of deft. U.S. Chem. Corp to stay taking of depositions & deft's response (objections) to request for admission of fact under Rule 36. (AEB-J)hm	
11-15-72	Hearing held on above motions and objections. It is recommended that pltf's objections to deft's interrog. #7,8,11,12,19,20,22 & 23 be sustained; that motion to compel answers or denials to pltf's requested admissions be sustained as to interrog. 2,3,4,5,6&7; that deft's motion to compel discovery be sustained; that motion of U.S. Chem. Corp. for protective order be denied; that application of deft. U.S. Chem. Corp. to stay taking of deposition be overruled; that deft's objections to request for admission of fact under Rule 36 be overruled. Pltf. to prepare F&R within 5 days. (MLB-Mag)hm	
11-17-72	Findings and Recommendations of Magistrate, filed. rm - copies mailed	
11-28-72	Order, filed, that pltfs' objections to defts' interrogatories are overruled in part/sustained in part & that pltfs. are entitled to a protective order with respect to certain answers; that defts' motion to compel further answers to interrogatories be overruled; that pltfs' motion to compel answers or denials to pltfs' requested admissions be sustained & defts' objections to pltfs' requested admissions be overruled; that defts' applic. to stay taking of deposition & defts' motion for protective order be overruled. (AEB-J)hm (copies mailed)	
12-12-72	Parties directed to hold pre-trial prior to 1-22-73 and file pre-trial order not later than 1-30-73. (AEB-J)hm	
1-29-73	Plaintiffs' proposed pretrial order, filed. hm	

11-29 Chuck Baker
says case may settle
if we wait
for 12/15/72

done by
will do so

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-5-73	Defts' Appl for ext of time to file pleadings or answer, filed. r	
2-5-73	Defts Appl for Order substituting attys, filed. r <i>to judge w/</i>	
2-5-73	Notice of substitution of attys, filed. r <i>to judge w/</i>	
2-6-73	Order substituting Lloyd K. Holtz for Roger Scott as counsel for U.S. Chemical Corp., Robt. D. Kelley, Herman L. Kifer and Louis O. Lasiter, filed. (AEB-J)g copies mailed.	
2-6-73	Order extending deft. until 3-8-73 to further plead, filed. (AEB-J)g copies mailed. g	
2-7-73	Application of Roger R. Scott to withdraw as Counsel of Record, filed. jj	
2-13-73	Order permitting Roger R. Scott to withdraw as counsel for defendants and substituting Lloyd K. Holtz, filed. (AEB-J)g	
3-8-73	Deft's. Request for Additional Extension of Time to File Proposed Pre-Trial Order, filed. jj <i>Order to Judge</i>	
3-12-73	Pltfs' Response to Defts' Request for Additional Extension of Time to File Proposed Pretrial Order, filed. jj	
3-19-73	Order extending time to answer, filed, granting defts. until 4-16-73 to further plead. (AEB-J)hm (copies mailed)	
4-17-73	Request for Extension of Time to File Proposed Pre-Trial Order, filed by the Deft.s. v -order to Judge.	
4-20-73	Order granting defts. until 4-29-73 to file proposed pre-trial order, filed. (AEB-J)g copies mailed.g	
4-30-73	Application of Defts. for Leave to File Amended Answer, filed. j, <i>A's amended ans. is being held in file</i>	
5-3-73	Motion of Defts. to Dismiss w/ Brief in Support, filed. jj	
5-19-73	Plaintiff's objection to defendants' application for leave to file amended answer and counterclaim, filed. ds	
5-3-73	Ordered by the Court that plaintiffs are granted 10 days from 5-11-73 to respond to defts.' Motion to Dismiss. (AEB-J)jj <i>to mail</i>	
5-14-73	Pltf.s' Motion for Partial Summary Judgment, filed. v	
5-14-73	Brief in Support, and BRIEF IN OPPOSITION to Defts' Mot. to Dismiss, filed.v	
5-14-73	Ordered by the Court that Deft. is granted 10 days from this date to respond to respond to Pltfs Mot. for Partial Summary Judgment. (AEB-J)v	
5-29-73	Request for ext. of time to file defts' response to pltfs' motion for summary judgment, filed. g <i>to file</i>	
8-15-73	Req. of def. for ext. of time to file response to pltf. mo/partial summary judgment, filed. rm <i>Order to m</i>	
8-24-73	Order, filed, granting ext. of time to file Defts' Resp. to Pltfs' Mtn. for Partial S/J until 9-8-73. (AEB-J)jj copies mailed	
2-5-74	CONSENT DECREE, filed and entered. (AEB-J)v	<i>to come in</i>
12-3-74	First report of defts. compliance w/ consent decree, filed.k	

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-6-75	Amended first report of defendants compliance with consent decree, filed. g	
2-6-75	First supplemental judgment, filed and entered, that defts. have complied with Para. VII of the Consent Decree entered 2-5-74 & that defts. are released and discharged from restraint provisions of Para. VII; further ordered that all other terms of Consent Decree shall remain in full force & effect, unaffected by this first suppl. judgment. (AEB-J)hm (copies mailed)	
5-19-75	2nd Rpt. of Defts. Compliance w/Consent Decree, filed.jj	
5-21-75	Second supplemental judgment, filed & entered, that defts. Robert D. Kelley and Herman L. Kifer have complied with Paragraphs V & VI of consent decree entered 2-5-74, and are released & discharged from the restraint provisions of Pars. V & VI; all other terms and provisions of consent decree to remain in full force and effect, unaffected by this Second Suppl. Judgment. (AEB-J)g cpies mailed.	
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2-19	Third Report of Defts' Compliance w/consent Decree,filed.t 0-J	
2-20	Third supplemental judgment, filed & entered: defendants released and discharged from restraint provisions of Paragraphs I and III of Consent Decree; all other terms and provisions to remain in full force & effect unaffected by this 3rd suppl. judgment. (AEB-J)g	
¶2-25	Final Report of Defts' Compliance with Consent Decree,filed.t	
5-13	Final Judgment, filed & entered, that debt. U. S. Chemical Corp. has complied w/ Paragraphs II and IV of Consent Decree answered 2-5-74, & is released and discharged from restraint provisions of Paragraphs II and IV of said Consent Decree. Further, that defts. U. S. Chemical Corp., Louis O. Lasiter, Robert. D. Kelley & Herman Kifer, having complied w/ terms of Consent Decree, having filed Interim Reports & Final Report, & having obtained Interim Judgments, are granted Final Judgment dismissing with prejudice the pltfs' claims for damages and other relief against all defts., as specified by the terms of said Consent Decree. (AEB-J)k cps mld	

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